

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

GUANGO F. CORREA,	:	
	:	
Petitioner,	:	
	:	
v.	:	Civil Action No. 07-151-JJF
	:	
PERRY PHELPS, Warden, and	:	
ATTORNEY GENERAL OF THE	:	
STATE OF DELAWARE,	:	
	:	
Respondents.	:	

O R D E R

Petitioner Guango F. Correa has filed a letter Motion For Reconsideration, asking the Court to reconsider its denial of his habeas application. (D.I. 22.) A motion for reconsideration should be granted to correct manifest errors of law or fact or to present newly discovered evidence. Harsco Corp. v. Zlotnicki, 779 F.2d 906, 909 (3d Cir. 1985). Accordingly, a court may grant a motion for reconsideration if the moving party shows one of the following: (1) an intervening change in the controlling law; (2) the availability of new evidence that was not available when the court issued its order; or (3) the need to correct a clear error of law or fact or to prevent a manifest injustice. Max's Seafood Café v. Quinteros, 176 F.3d 669, 677 (3d Cir. 1999) (citing North River Ins. Co. v. CIGNA Reinsurance Co., 52 F.3d 1194, 1218 (3d Cir. 1995)). A motion for reconsideration is not appropriate to reargue issues that the court has already considered and decided.

Brambles USA Inc. v. Blocker, 735 F. Supp. 1239, 1240 (D.Del. 1990).

On May 9, 2008, the Court dismissed Petitioner's federal habeas application as second or successive, and alternatively, as procedurally barred. (D.I. 20; D.I. 21.) In his Motion, Petitioner argues that he has demonstrated cause and prejudice sufficient to excuse his procedural default, and he attaches a copy of his original habeas application to support his argument. (D.I. 22.) The Court has already considered, and rejected, Petitioner's argument. Moreover, to the extent Petitioner suggests that the Court committed a clear error of law, the Court is unpersuaded. Therefore, the Court concludes that Petitioner's argument does not warrant reconsideration of its decision.

Now Therefore, It Is Hereby Ordered that Petitioner's Motion To Alter The Judgment (D.I. 22.) is **DENIED**. The Clerk of the Court is directed to close the case.

August 13, 2008
DATE

Joseph F. Tama
UNITED STATES DISTRICT JUDGE